1			
2	MARY ANN SMITH		
3	Deputy Commissioner DOUGLAS M. GOODING Assistant Chief Counsel MIRANDA LEKANDER (State Bar No. 210082) Senior Counsel		
4			
5			
6	Department of Business Oversight 1515 K Street, Suite 200		
7	Sacramento, California 95814		
8	Telephone: (916) 322-8730 Facsimile: (916) 445-6985		
9	Attorneys for Complainant		
10			
11	BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT		
12	OF THE STATE OF CALIFORNIA		
13			
14	In the Matter of:	) NMLS NO. 117371	
15	THE COMMISSIONER OF BUSINESS	)	
16	OVERSIGHT,	STIPULATION TO ENTRY OF DESIST AND REFRAIN ORDER AND PAYMENT OF	
17	Complainant,	) PENALTIES )	
18	vs.		
19		)	
20	WILLOW BEND MORTGAGE COMPANY, LLC (formerly doing business as WILLOW	) )	
21	BEND MORTGAGE COMPANY),	)	
22	Respondent.	<u>)</u>	
23			
24	In compliance with the Order Conditionally Granting Petition For Reinstatement (California		
25	Government Code section 11522) (Reinstatement Order) issued on February 12, 2015, this		
26	Stipulation to Entry of Desist and Refrain Order and Payment of Penalties (Stipulation) is entered		
27	into by and between the Commissioner of Business Oversight (Commissioner), on the one hand, and		
28			

Willow Bend Mortgage Company, LLC (formerly doing business as Willow Bend Mortgage Company, a Texas corporation) (hereafter Respondent), on the other hand (Parties).

## RECITALS

This Stipulation is made with reference to the following facts:

- A. On August 10, 2004, Respondent first became licensed (License No. 413-0600) (NMLS No. 117371) pursuant to the California Residential Mortgage Lending Act (CRMLA) (Fin. Code §, 50000 et seq.) to engage in the business of a residential mortgage lender in this state from its main office located at 5800 West Plano Parkway, Suite 105, Plano, Texas, 75093.
- B. William C. Shaddock is the Manager and a control person of Respondent and, as such, is authorized to enter into this Stipulation on behalf of Respondent.
- C. On November 5, 2008, the Commissioner issued an order, to become effective December 8, 2008, summarily revoking the CRMLA license of Respondent for failure to pay its annual assessment pursuant to Financial Code section 50401 (all further statutory references are to the Financial Code unless otherwise indicated).
- D. On or about July 18, 2013, Respondent filed a Petition for Reinstatement of License pursuant to Government Code section 11522 (Petition).
- E. On February 12, 2015, the Commissioner issued an order conditionally granting reinstatement of Respondent's CRMLA license provided that, within 45 days of the order, Respondent agreed to:
- (1) Pay penalties in an amount up to \$2,500.00 for each residential mortgage loan that the Commissioner determined that Respondent had made or serviced in California without first obtaining a license from the Commissioner then in effect, or being otherwise exempt, and,
- (2) Stipulate to the entry of a final Desist and Refrain Order issued pursuant to section 50320 for engaging in the business of making or servicing a residential mortgage loan in this state in violation of section 50002.
- F. The Commissioner is of the opinion that after its CRMLA license was revoked on December 8, 2008, Respondent continued to engage in the business of a residential mortgage lender by making at least 41 residential mortgage loans in this state in violation of section 50002.

G. It is the intention and desire of the Parties to resolve this matter without the necessity of a hearing and/or other litigation.

NOW, THEREFORE, for good and valuable consideration, and the terms and conditions set forth herein, the Parties agree as follows:

## TERMS AND CONDITIONS

- 1. Respondent stipulates to the issuance of the Desist and Refrain Order issued pursuant to section 50320, in the form attached hereto as Exhibit A, directing Respondent to desist and refrain from engaging in the business of making or servicing a residential mortgage loan in this state in violation of section 50002. Respondent agrees that the delivery by certified mail of the executed Desist and Refrain Order issued by the Commissioner to the address set forth in Paragraph A above shall constitute valid service of the Desist and Refrain Order.
- 2. Respondent hereby waives all rights to any hearing or appeal of the Desist and Refrain Order.
- 3. Respondent agrees that the Commissioner shall not reinstate its CRMLA license unless it pays penalties to the Commissioner totaling \$82,000.00, no later than 15 days after the date of this Stipulation. Payment shall be in the form of a cashier's check payable to the "Department of Business Oversight" and mailed to the attention of Senior Counsel Miranda LeKander, 1515 K Street, Suite 200, Sacramento, California, 95814. Respondent further agrees that failure to timely pay the penalties set forth in this paragraph shall result in summary denial of its Petition.
- 4. Respondent acknowledges that remedies for violations of the CRMLA are not exclusive and may be sought and employed in any combination to enforce the purpose and provisions of this law.
- 5. Respondent agrees that nothing in this Stipulation shall preclude the Commissioner, or her agents or employees, to the extent authorized by law, from assisting or cooperating in any investigation and/or action brought by any other federal, state or county agency. Respondent further agrees that this Stipulation shall not bind or otherwise prevent any other federal, state or county agency from the performance of its duties.

6.

2	voluntarily and without coercion and acknowledges that no promises, threats or assurances have been		
3	made by the Commissioner or any officer, or agent thereof, about this Stipulation.		
4	7. Respondent acknowle	edges that this Stipulation and the Exhibit attached thereto are a	
5	public record.		
6	8. Respondent and the C	Commissioner agree that this Stipulation may be executed in one	
7	or more separate counterparts, each of which when so executed, shall be deemed an original. Such		
8	counterparts shall together constitute and be one and the same instrument.		
9 10	Dated: 5/26/15	JAN LYNN OWEN Commissioner of Business Oversight	
11			
12		By Mary Ann Smith	
13		Deputy Commissioner	
14		WILLOW BEND MORTGAGE COMPANY, LLC	
15		WILLOW BLIND WORTONGE COMPRIVE, ELC	
16	Dated: 5/20/15	By	
17 18	Dutodi	William C. Shaddock, Manager	
19		On behalf of Willow Bend Mortgage Company, LLC (formerly doing business as Willow Bend Mortgage Company)	
20			
21	Approved as to Form and Content		
22	Dated:5/19/15		
23	By	_	
24	Thomas L. King, Esq. Robertson Anschutz Vetters Attorneys on behalf of Willow Bend Mortgage Company, LLC (formerly doing business as Willow Bend Mortgage Company)		
25			
26			
27			
28			

Respondent has obtained the advice of legal counsel, and enters into this Stipulation